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Attorneys for Defendant
Joseph Nubla

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH NUBLA and HENRY KU,

Defendants.

Case No. 3:21-cr-00139-RS

STIPULATION TO RESCHEDULE
STATUS CONFERENCE FROM
APRIL 26, 2022 TO MAY 24, 2022
AND TO EXCLUDE TIME AND
ORDER

It is hereby stipulated by and among counsel for the United States, counsel for Defendant Joseph Nubla, and Defendant Henry Ku (pro se), that the status conference currently scheduled for April 26, 2022, be continued to May 24, 2022, and that time be excluded under the Speedy Trial Act from April 26, 2022, to May 24, 2022.

At the status conference held on May 11, 2021, the government and counsel for defendants agreed that time be excluded under the Speedy Trial Act so that defense counsel could continue to prepare, including by reviewing the discovery already produced, and for the government to produce additional discovery review by defense counsel. On June 24, 2021, the United States requested and this Court granted additional time to provide the additional discovery which required review by a taint attorney. On September 24, 2021, the United States requested and this Court granted additional time to provide the additional discovery because that review was still ongoing. On November 5, 2021, Counsel for defendants requested and this

1 Court granted additional time to review the discovery received. Counsel for Defendant Nubla
2 received additional discovery from the United States on September 20, 2021; November 2, 2021;
3 November 5, 2021; December 6, 2021; December 10, 2021; February 26, 2022. On April 14,
4 2022, the government re-produced certain discovery that had been renumbered. Counsel for
5 Defendant Nubla has made numerous requests over the last six months for the government to
6 produce Brady and other relevant evidence. The United States has responded that discovery has
7 been produced. In an effort to resolve repeated requests for the government to produce
8 additional evidence, the parties will meet and confer next week. On December 9, 2021 and again
9 on March 24, 2022, the United States requested and this Court granted additional time to allow
10 the parties to resolve the discovery production issues.

11 Counsel for Defendant Nubla has a scheduling conflict and is unable to attend the April
12 26 status conference in person. Defendant Ku and the United States are in agreement with this
13 request for a continuance to the next available date and the parties therefore request that this
14 Court continue the status conference currently scheduled for April 26, 2022, to May 24, 2022.

15 For the reasons stated above, the parties stipulate and agree that excluding time from
16 April 26, 2022, to May 24, 2022, will allow for continuity of counsel and for the effective
17 preparation of counsel. See 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and
18 agree that the ends of justice served by excluding the time from April 26, 2022, to May 24, 2022,
19 from computation under the Speedy Trial Act outweigh the best interests of the public and the
20 defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

21 The undersigned defense counsel certifies that he has obtained approval from the
22 Assistant United States Attorney and Defendant Ku to file this stipulation and proposed order.

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1 Dated: April 22, 2022

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3 By: /s/ Joshua Hill

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7 Attorney for Defendant
8 Joseph Nubla

9 Dated: April 22, 2022

10 By: /s/ Cynthia Stier

11 CYNTHIA STIER
12 Assistant United States Attorney

13 Dated: April 22, 2022

14 By: /s/ Henry Ku

15 HENRY KU
16 Defendant

ORDER

Based upon the facts set forth in the stipulation of the parties it is HEREBY ORDERED that the status conference scheduled for April 26, 2022, at 2:30 p.m. is rescheduled to May 24, 2022 at 2:30pm, by telephone or videoconference. IT IS FURTHER ORDERED, for good cause shown, and this Court finds, that failing to exclude the time from April 26, 2022, to May 24, 2022, would unreasonably deny continuity of counsel and the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from April 26, 2022 to May 24, 2022, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from April 26, 2022 to May 24, 2022 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

IT IS SO ORDERED.

DATED: April 22, 2022


RICHARD SEEBORG
Chief United States District Judge